United Nations A/HRC/29/NGO/93

General Assembly

Distr.: General
10 June 2015

English only

Human Rights Council
Twenty-ninth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Forum for Human Rights and Development, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-09353 (E)
1509353

Please recycle

Freedom of Assembly and Association in Sri Lanka[1]

(June 2014 – May 2015)

There were obstacles and threats to Freedom of Association and many obstructions to Freedom of Assembly under the rule of former President Mahinda Rajapaksa. During the 8th January 2015 elections, President Rajapakse was unseated by the current President Maithripala Sirisena. Since then the freedom of assembly and association has seen some improvement, however, challenges still remain.

Before elections: Country under President Rajapakse (June 2014 – 8th January 2015)

Efforts to monitor, restrict and discredit NGOs

In June 2014, the Ministry of External Affairs presented a memorandum to the Cabinet of Ministers, which included proposals for new regulations on visas for foreigners attending events organised by Non-Governmental Organisations (NGOs). In addition to other details, NGOs were required to provide a certificate of registration; details of funding sources; an outline of subjects to be discussed; objectives for the event; and a list of participants, to support visa applications of foreign invitees.[2]

In July 2014, Sri Lanka banned NGOs from holding press conferences, issuing press releases and organising trainings for journalists following a circular from the NGO Secretariat under the Defense Ministry.[3] The Finance and Planning Ministry also informed all Non-Governmental Organisations that they should receive prior approval from the Ministry before obtaining foreign funds.[4] In one case, The United States Agency for International Development (USAID) cancelled funding for a voter education program after the Sri Lankan Government raised objections.[5] In August, the government proposed new laws to monitor and control Foundations and NGOs, which included reporting on NGO activities to the government every three months.[6]

In addition to limiting NGO' activities, the Rajapaksa regime led a parallel media campaign against NGOS with the aim of discouraging public participation in the work of NGOs and International Non-Governmental Organisations (INGOs). Former-Prime Minister D. M. Jayaratna said that some NGOs had armed and assisted the LTTE during the war, and were a threat to national security.[7] The state controlled newspaper the Sunday Observer also attacked NGOs, calling NGO employees "goons" who "tarnished the country's image by pumping oxygen to Tiger terrorists… who thrive on

[1] INFORM Human Rights Documentation Centre (Inform), a member organisation of FORUM-ASIA in Sri Lanka, associates itself with this statement

[2] http://www.sundaytimes.lk/140629/columns/five-star-wonder-of-asia-dream-or-nightmare-105246.html (last accessed on 21/5/2015)

[3] http://srilankabrief.org/2014/07/sri-lanka-bans-ngos-engaging-in-public-communications-and- conducting-training/ (Quoted in INFORM's report, Repression of Dissent in Sri Lanka – July 2014, available at https://ihrdc.files.wordpress.com/2014/08/repression-of-dissent-in-sri-lanka-july-2014-english-07sep2014.pdf)

[4] http://www.dailymirror.lk/news/50038-no-foreign-funds-without-approval-ministry.html (Quoted in INFORM's report, Repression of Dissent in Sri Lanka – July 2014, available at https://ihrdc.files.wordpress.com/2014/08/repression-of-dissent-in-sri-lanka-july-2014-english-07sep2014.pdf). The full notice is available at the official website of the Department of External Resources, http://www.erd.gov.lk/files/ERD%20Final%20English.jpg (last accessed 21/5/2015)

[5] http://www.ft.lk/2014/07/05/us-axes-lankan-voter-education-funding-amid-controversy/ (last accessed 21/5/2015)

[6] http://sundaytimes.lk/140831/news/after-ngos-foundations-to-come-under-watch-115994.html (last accessed 21/5/2015)

[7] http://colombogazette.com/2014/07/11/some-ngos-armed-the-ltte-says-pm/ (Quoted in INFORM's report, Repression of Dissent in Sri Lanka – July 2014, available at https://ihrdc.files.wordpress.com/2014/08/repression-of-dissent-in-sri-lanka-july-2014-english-07sep2014.pdf)

international funding and shout from the rooftops" and who are "ready to betray the country for a mess of pottage."[8] In August, Secretary to the Finance Ministry said that Non-Governmental Organisations (NGOs) which operate in non-regulated environments were a threat to financial management, inclusive development and law and order itself.[9] The Minister of Child Development and Women's Affairs said that international organisations dependent on foreign countries force the legalisation of prostitution.[10] Such blanket allegations, by the state, were made purely to obfuscate and discredit the work of NGOs and INGOs, whose aims and values were frequently at odds with those of the former government.

Threats, restrictions on Freedom of Assembly

Police, military personnel, surveillance operatives, unidentified individuals and violent mobs employed tactics of threats, obstructions and dispersals of crowds to disrupt peaceful assemblies. The police also obtained Court orders to stop assemblies critical of the then government and organisers also faced threats. Such threats were particularly visible in the highly militarised Northern Province.

In June 2014, The Sri Lankan military in Mullaiththeevu tried to prevent family members of missing persons from attending a joint protest by the Tamil National Alliance (TNA) and the Tamil National People's Front (TNPF).[11] A group of military intelligence officers entered the house of a Thenmaraadchi Divisional Council member while he supported a protest about land surveying, threatened his wife at gunpoint, and burnt his bankbooks and land deeds.[12] A court banned a protest march organised by the National Fisheries Solidarity Movement (NAFSO) on the basis that the protest would cause disturbances to the general public; hundreds of people who had gathered for the protest held a meeting at the Jaffna Weerasingham Hall instead.[13] In November, the military prevented a religious gathering alleging it to be a commemoration for dead LTTE fighters.[14]

In August, at a Church run centre in Colombo, a Buddhist Monk-led mob stopped a meeting of Tamil families of the disappeared from the Northern Province. The police refused to guarantee security for the meeting and participants, and initially refused to disperse the mob. Several of the mothers attending the meeting received intimidating phone calls from unidentified callers for over a month before the meeting, and one had Criminal Investigation Department (CID) officers stand outside her house and intimidate her about attending the meeting. After the dispersal of the above meeting, police officers had visited the venue of the meeting on the night of the same day, to check whether Tamil families of the disappeared from North were still on the premises.[15] Later in August, the police blocked families of disappeared persons, opposition politicians, human rights defenders and clergy from engaging in a peaceful march to the office of the Government Agent to hand over a petition.[16]

In July, the police interrupted an awareness campaign entitled "no to another black July" held by the Movement for

[8] http://www.sundayobserver.lk/2014/07/13/main_Editorial.asp (last accessed 21/5/2015)
[9] http://colombogazette.com/2014/08/18/government-notes-threat-from-ngos/ (Quoted in INFORM's report, Repression of Dissent in Sri Lanka – July 2014, available at https://ihrdc.files.wordpress.com/2014/08/repression-of-dissent-in-sri-lanka-july-2014-english-07sep2014.pdf)
[10] http://www.lankasrinews.com/view.php?22IMM303lOo4e2BmAca25YAdd3Y5fac3mBJe43Oln0236A43 (last accessed 21/5/2015)
[11] http://www.tamilnet.com/art.html?catid=13&artid=37247 (last accessed 21/5/2015)
[12] http://tamilnet.com/art.html?catid=13&artid=37309 (last accessed 21/5/2015)
[13] http://www.lankasrinews.com/view.php?22AOlv2acT5YAe4e4yMCc02aAmB3dd3PBmc30366AY2e4U_Y5f0ca2lOed3 (Quoted in INFORM's report, Repression of Dissent in Sri Lanka – July 2014, available at https://ihrdc.files.wordpress.com/2014/08/repression-of-dissent-in-sri-lanka-july-2014-english-07sep2014.pdf)
[14] http://tamilnet.com/art.html?catid=13&artid=37521 (last accessed 21/5/2015)
[15] http://groundviews.org/2014/08/07/mob-disrupts-meeting-of-families-of-disappeared-police-government-hound-participants/ (last accessed on 21/5/2015)
[16] http://tamilnet.com/art.html?catid=13&artid=37363 (last accessed 21/5/2015)

Equal Rights (MER). Police informed them to stop the campaign, forcibly removed the banner and prepared to arrest members of the MER.[17] Several other meetings were also similarly obstructed.[18] 3,000 peacefully protesting Catholics were dispersed by the police using tear-gas and water cannons.[19]

September saw the University of Sydney un-invite two well-known Sri Lankan HRDs to a conference in Bangkok, under pressure exerted by the Ministry of Defense.[20]

Several workshops to train journalists in different parts of the country (Colombo, Negombo, Polonnaruwa) were disrupted by state intelligence agencies, military and pro-government mobs.[21] In October, several trade unionists faced assaults or attempted assaults.[22] Around 300 protesting fisher folk were pelted with stones, allegedly by the Fisheries and Aquatic Resources Ministry.[23] The night before the annual Commemoration of the Disappeared in Sri Lanka, the house of the president of the Families of the Disappeared (FOD) was stoned[24] and posters were pasted around Negombo and Colombo discrediting NGO employees and HRDs working with families of the disappeared.[25]

After elections: Country under President Maithripala Sirisena (9th January 2015 till date)

Under the new government space has opened leading to a significant boost for the freedom of assembly and association. Members of civil society have been able to hold assemblies more freely and with less fear. The NGO Secretariat which was under the purview of the Ministry of Defense has been placed under the purview of the Ministry of Policy Planning and Economic Affairs.[26] Despite private and informal assurances that they are no longer in operation, there has been no official withdrawal of letters, notices and announcements by the previous government that were restrictive of NGOs,.

Unfortunately, surveillance by intelligence agencies and photographing of organisers and participants appears to continue. In May 2015, in the North, Police intervened to obtain court orders to stop some events to commemorate those killed at the end of the war and there was widespread intimidation and surveillance on those organising and attending such events in the North and East.[27] On 10th May 2015, in the Northern city of Jaffna, the Tamil Civil Society Forum organized an event on 'The Right To Memory' which discussed the importance of memory and commemoration in the process of reconciliation. This was also subjected to surveillance and intelligence officers reportedly

---

[17] http://www.lankaviews.com/en/index.php?option=com_content&view=article&id=11771:equal-rights-awareness-campaign-disrupted-by-police&catid=35:local&Itemid=48 (Quoted in INFORM's report, Repression of Dissent in Sri Lanka – July 2014, available at https://ihrdc.files.wordpress.com/2014/08/repression-of-dissent-in-sri-lanka-july-2014-english-07sep2014.pdf)

[18] According to the spokesperson of The Government Press Trade Union Collective, members of pro-government Trade Union Sri Lanka Nidahas Sevaka Sangamaya had disrupted an awareness meeting organized by the Trade Union Collective and assaulted a participant of the meeting, on 27th August 2014 (http://www.hirunews.lk/90491/tense-situation-at-government-press – last accessed on 21/5/2015). The Colombo District Court was reported to have issued an enjoining order on the Para-medics' strike that affected functions of the government hospitals for four days, on 29th August 2014, based on a petition of a patient (http://www.hirunews.lk/90700/enjoining-order-issued-on-paramedics-strike – last accessed on 21/5/2015)

[19] http://www.ucanews.com/news/tear-gas-water-canons-used-on-protesting-sri-lankan-catholics/72006 (last accessed 21/5/2015)

[20] http://www.smh.com.au/world/academic-tells-conference-delegates-not-to-upset-sri-lanka-over-human-rights-20140912-10fzdq.html (last accessed 21/5/2015)

[21] http://srilankabrief.org/2014/09/sri-lanka-police-together-with-pro-govt-mob-disrupts-one-more-media-workshop/ (last accessed 21/5/2015)

[22] http://lankafocusnews.com/?p=30536 - in Sinhala (last accessed 21/5/2015)

[23] http://www.ceylontoday.lk/51-75961-news-detail-fishers-protesting-eu-ban-pelted-with-stones.html (last accessed 21/5/2015)

[24] http://srilankabrief.org/2014/10/disappearances-in-sri-lanka-our-message-to-govt-by-brito-fernando/ (last accessed 21/5/2015)

[25] http://srilankabrief.org/2014/10/posters-pasted-against-remembrance-of-the-disappeared-to-be-held-tomorrow/ (last accessed 21/5/2015)

[26] https://www.colombotelegraph.com/index.php/contours-of-a-new-sri-lanka/

[27] http://groundviews.org/2015/05/20/tamils-in-north-east-sri-lanka-remember-those-killed-despite-intimidation-and-surveillance/ (last accessed 21/5/2015)

photographed participants.[28]

The Inter-University Students' Federation (IUSF) has alleged that the Police and the Special Task Force attacked a protest march they organized on 31st March, injuring 24 undergraduate students,10 of whom had to be hospitalised.[29] The Police fired tear gas to disperse a group of protesters near the Talawakelle railway station, on 1st of February. The protest was in relation to the suspicious death of a man who died while in the custody of Talawakelle Police, on 31st January. However, the Police have denied that they used tear gas to disperse the crowd.[30]

Pro-Sirisena activists attending public events organized by pro-Rajapakse groupos have been attacked a couple of times. In February 2015 members of the National Freedom Front (NFF) attacked civil and political activists engaged in distributing leaflets.[31] On 1st May, a group of persons attacked prominent academics and social activists, Dr Nirmal Ranjith Dewasiri and Dr Kumudu Kusum Kumara, when they were at a May Day Rally organised by MPs Wimal Weerawansa, Vasudeva Nanayakkara and Dinesh Gunwardene. Those attacking Dr Dewasiri and Dr Kusum Kumara had been shouting that they were responsible for defeating former President Mahinda Rajapakse.[32]

Challenges:

The continuing surveillance and photographing of events in the North and East as well as attacks on protests in different parts of the country continue to happen, although much less intensely and infrequently. There must be strict instructions from the new government to Police, Military and other relevant officials to stop such obstructions, restrictions and intimidation. The police should also stop the old habit of obtaining court orders to ban peaceful events. Resolving all outstanding cases of attacks and obstructions on peaceful assembly; ending impunity; and the immediate withdrawal of all restrictions on civil society groups are key for the future of the freedom of assembly and association in the country.

---

[28] http://www.tamilguardian.com/article.asp?articleid=14666 (last accessed 20/5/2015)

[29] The Prime Minister's Office has said "Such incidents are unfortunate and sad to note. If the protesters had acted peacefully allowing their representatives to heed our invitation, none of this would have happened" and that the IUSF had not given any prior notification of their intention to hand over a letter to the Prime Minister's Office but had instead said they were going to hand it over to the University Grants Commission. See http://www.ceylontoday.lk/51-89025-news-detail-iusf-to-go-to-hrcsl.html (last accessed on 20/05/2015)

[30] http://www.adaderana.lk/news/29650/talawakelle-demonstrators-call-off-protest& (last accessed on 20/05/2015)

[31] http://ceylontoday.lk/51-85177-news-detail-civil-activists-accuse-nff-of-assault.html & http://lankanewsweb.net/news/10068-kalyananda-perera-accuse-wimal-weerawansa-for-hindering-the-democratic-people-s-forum (last accessed on 20/05/2015)

[32] http://futa-sl.org/the-futa-statement-on-the-attack-on-dr-nirmal-ranjith-dewasiri-and-dr-kumudu-kusum-kumara/ (last accessed on 23/05/2015)